

# **WEBINAR**

# **WEDNESDAYS**



**Wednesday, September 1, 2021**

## **Juveniles with Sexually Abusive Behaviors: Evidence-based Practices**

Presented by:

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Distributed by:

ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

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**Arizona Prosecuting Attorneys' Advisory Council**  
**Training: Evidence Based Practices for**  
*Juveniles with Sexually Abusive Behaviors*

Holli Ann Sanger-Alarco, LPC  
 Arizona Juvenile Justice Service Division  
 9/1/21

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*Training Content*

- Introduction and Background
- History and Sociopolitical Context
- Foundational Points and Conceptual Framework for Practice with Juveniles with Sexually Abusive Behaviors (JSAB)
- JJSD research project and outcomes
- Changes undertaken by JJSD: Service changes and Administrative Orders
- Key points relevant for prosecuting attorneys in Arizona

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*Introduction and Background*

- ATSA Code of Ethics and Arizona Statute 8-350.01: *"A mental health treatment program that a sex offender is required to participate in.... Shall comply with the professional code of ethics from the association for the treatment of sexual abusers."*
- Publication of ATSA Adolescent Practice Guidelines (2017) → JJSD contract for comprehensive review of Arizona practices with JSAB on probation and offer recommendations to support alignment with best practices

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### *History and Sociopolitical Context Policy and Practice*

- Sociopolitical context of fear, anger, and reactivity impact on policy/practice
- System responses with JSAB modeled after policies and practices designed for adults convicted of sex offenses
- Sex-Offense Specific Treatment has often been defined as narrow, one-size-fits-all
- Over-classifying risk and providing higher levels of care, longer periods of intervention

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### *Foundational Points and Conceptual Framework for Practice with Juveniles with Sexually Abusive Behaviors*

*"Do the best you can until you know better. Then when you know better, do better."*

— Maya Angelou

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### *Adolescents fundamentally different from adults*

(ATSA, 2017)



#### **Adolescent Development:**

- Very **dynamic** and fluid
- **Brain development** as it relates to defining characteristics of behavior
  - Irresponsibility, poor impulse control, susceptibility to peer influence, emotionality, recklessness, deficiencies in judgment and reasoning, and a limited ability to anticipate and appreciate future consequences
- Dependent and strongly influenced by **social/environmental/ecological factors and systems**
- **Responsibility/accountability** influenced by family/social environment and cognitive development

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### ATSA Adolescent Policy/Practice Statement (2017)

Adolescents who sexually abuse are diverse, and practitioners' responses should be calibrated to each youth's individual strengths and needs, as well as the strengths and needs of their caregivers

ATSA advocates against one-size-fits-all policies and practice, whether these pertain to:

- **Supervision** (e.g., mandating intensive probation for all such youth)
- **Placement** (e.g., mandating out-of-home or residential treatment for all such youth)
- **Education** (e.g., automatic suspension or expulsion or refusing to re-enroll any youth with a sexual offense)
- **Peer activities** (e.g., broadly prohibiting appropriately supervised prosocial activities with peers or family)

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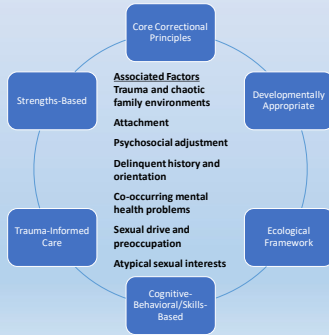
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### Evidence Based Holistic Framework



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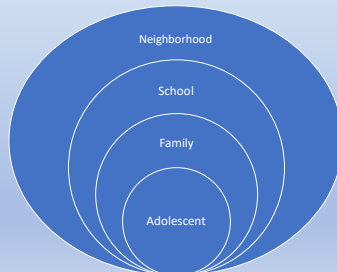
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### Ecological Framework Child/Adolescent Development- Transactional

Continuous dynamic interactions between adolescent and experience provided by family & social context

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Reducing Risk and Enhancing Protective Factors



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### *Trauma Informed Care*

(Levenson, 2014)

- Organizational structure and treatment framework- delivers services in way that recognizes prevalence and impact of early trauma on behavior across lifespan
- Responds to maladaptive behavior in context of traumatic experiences
- Enduring neuroplasticity of brain allows for reorganization and accommodation of new experiences
- Corrective emotional experiences allow new skills to be learned, enhanced, practiced and reinforced

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### *Visualizing the Evidence-Based Decision-Making Juvenile Justice Platform*



Source: Center for Juvenile Justice Reform

Center for Juvenile Justice Reform

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### *Arizona JSAB Research: Results and Recommendations*

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### Arizona Recidivism Data

(JJSD, 2019)

National Center for State Courts Research Project (2019):

92 JSAB files reviewed by JJSD staff, NCSC staff and county probation officers

All 92 juveniles received a spectrum of treatment services; including outpatient and residential services. Some received polygraphs and some did not

- Three juveniles have not yet turned 18- discharged from probation and not recidivated
- Remaining 89 cases- only 9 recidivated with new nonsexual conviction(s) as adults
  - 0% recidivism rate for sexual offenses
  - 9.7% recidivism rate for non-sexual offenses

Findings consistent with empirical literature on recidivism

- ✓ Youth who engage in sexually abusive behaviors recidivate sexually at very low rate
- ✓ Much more likely to engage in non-sexual delinquency

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### Juvenile Recidivism (National)

(Caldwell Peer Report 2020)

- Caldwell's peer review of the NCSC Report cites JSAB recidivism sexually is currently at 2.7%, and further states: "...studies have consistently reported rates of detected general, *non-sexual* recidivism among JSABs that is 4 to 10 times greater than the sexual offense recidivism rate (Caldwell, 2016)...In response to this emerging research, the field of assessment and treatment of JSABs has moved toward a more comprehensive assessment of the youth's psychosocial adjustment and treatment needs, and a more professional and empirically guided treatment approach."

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### What are other conclusions from Arizona data?

- Very high number of cases, AZYAS scores were **over-riden** to reflect moderate or high risk
  - May have led to "overdosing" (i.e. higher levels of probation supervision (JIPS); higher levels and intensity of care in treatment)
- **Recidivism** not correlated to types of offense, levels of care or polygraphs
  - Wide variation in levels of care and numbers of polygraphs
- **MST-PSB** (Model program for JSAB Family Treatment) extremely underutilized
  - MST-PSB was utilized in only one case out of 92 reviewed
- Reviews did not demonstrate consistent **work with families** toward reunification, especially when victim resides in home

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### NCSC / Caldwell Report and Recommendations

- **Training:** JJSD should provide training to all stakeholders on best practices with JSAB; and should provide special training within the Probation Academy
- **Assessment:** Disposition and case management decisions are more effective when driven by assessments, rather than being offense-driven; JJSD should ensure that assessments and evaluations are conducted in alignment with JSAB best practices
- **Polygraphs:** The use of polygraph examinations with JSAB is best considered the exception, not the rule; JJSD should outline a protocol for such exceptional circumstances, documenting to the Court the rationale

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### NCSC / Caldwell Report and Recommendations (continued)

- **Probation practices:** Eliminate the use of a blanket, offense-driven approach to condition setting. Limit the use of restrictions to those needed based on the assessed level of risk and intervention needs.
- **Case-plans:** Reframe case plan goals and probation conditions to support skill building, positive youth development, and the successful, transition to adulthood
- **Treatment interventions:** JJSD should closely examine treatment dosage across range of treatment programs, and extent to which it aligns with research; probation officers should place youth in programs most appropriate for assessed risk, needs, and responsivity factors

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Enhancing Treatment and Supervision of JSAB in Arizona

Changes Undertaken

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### Psychosexual Evaluation Service Specifications

- **Holistic** evaluation to assess overall cognitive and developmental, emotional, behavioral, trauma, and/or psychological conditions
- Evaluate the **strengths, assets, and protective factors** of juvenile and family, including community supports
- Treatment recommendations must not be limited to sexually abusive behaviors, but must be **multi-dimensional**
- Designate the **least restrictive level of care**. Recommendations for out of home placement must provide medical / psychological justification

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### Pre-Adjudication Evaluations Ethical, Legal, and Practice Considerations

- Information and/or assessments compiled **before an admission of guilt** is considered **least reliable and incomplete**
- Concerns about **self-incrimination**
- Potential for the evaluation to directly or indirectly **impact adjudication decision**
- Possible impact on **adolescent's civil rights**
- **Adolescent and caregivers' concerns about potential negative impact**, which can influence level of cooperation or amount of information they are comfortable sharing

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### Use of the Polygraph with JSAB

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### Use of the Polygraph with Juveniles

(ATSA, 2017)

#### ATSA recommends against use with adolescents under age 18

- Designed for adults. Use extended to adolescents without establishing scientific validity and without full consideration of potential for harm
- No research with relevant comparison groups so no norms for comparison
- No evidence of improved treatment outcomes or reduced recidivism
- Ethical concerns
  - Potential for coercion, engendering fear, shame, and other negative responses
  - Basing important decisions on results of measurements that are largely unsupported empirically

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### Use of the Polygraph with Juveniles

(Caldwell, 2020)

- Reliability, validity, and ethical issues
- *"...no empirical basis to consider denial to be a criminogenic factor that increases the risk of future sexual misconduct in JSABs...In this way, to the extent that a treatment program places an emphasis on full disclosure, they devote treatment resources to factors that are not risk-relevant"*
- *"The use of the polygraph and the plethysmography have no place in the assessment or treatment of adolescents alleged to have engaged in sexually abusive behavior. Prosecutors must be insistent in relying only on reliable, valuable and ethically obtained data. Polygraphy and plethysmography use with juveniles fail to meet that threshold" (APAAC / Stern, 2018).*

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### Arizona Code of Judicial Administration: Section 6-105.01: Powers and Duties of Officers Evidence-Based Practices

Language as modified and approved by the Arizona Judicial Council and Committee on Juvenile Courts:

*"n. Ensure that any administration of a polygraph examination on a juvenile referred to the juvenile court shall only occur after obtaining written approval by a judicial officer of the juvenile court."*

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### Use of Polygraph w/ JSAB in Arizona

- For the **exceptional circumstances** in which polygraph is ultimately conducted, the specific ways the findings will be used must be clearly documented and provided to approving authority
- Findings from polygraph examination should **not be used as sole determining factor** for – or to drive decisions about – the assessment of risk, determinations of treatment or supervision progress, probation violations, or successful completion or unsuccessful termination from treatment or probation

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### Evidence Informed Treatment Interventions

(Caldwell, 2020)

- Probation officers place youth in programs most appropriate for **assessed risk, needs, and responsivity** factors, not based on availability at time of placement on probation
- JJSD should closely **examine treatment dosage** across range of treatment programs, and extent to which it aligns with research – albeit limited – on risk-need differentiated treatment dosage

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### Empirically Supported Treatment Targets

- Social Isolation – Increase social competence
- Attitudes Supportive of Abusive Behavior – Increase prosocial attitudes
- Parent-Adolescent Relationships – Enhance and support family function
- General Self-Regulation – Improve youth's ability to self-regulate
- Promote Healthy Sexuality including youth's sexual self-regulation
- Social and Community Supports – Enhance protective factors in ecology
- Non-Sexual Delinquency – Target reduction of general delinquency risks
- Health – Target overall health, well-being, and normal development

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### JSAB Treatment Interventions

- Pursuant to ARS §8-350.01(C), “sex offender” means a person who is twenty-one years of age or younger who is an adjudicated delinquent for or convicted of an offense that involves a violation of title 13, chapter 14 or 35.1 and that does not involve the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.”
- Treatment for a person with Sexually Abusive Behavior (SAB) is provided only to those who meet the statutory definition of a “sex offender.” Such a juvenile must be placed in a program with juveniles of a similar age and developmental maturity level if group treatment is prescribed by the treatment provider.

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### Probation Practices

Evidence Informed + Promote Positive Youth Development  
(Caldwell, 2020)

- Eliminate blanket, offense-driven approach to **condition setting**. Limit use of restrictions to those needed based on assessed level of risk and intervention needs
  - Arizona JSAB subject to a high number of probation conditions – not individualized and largely adult-focused in language and content
  - Statewide work-group seeking to reduce the volume and enhance relevance
- **Reframe case plan goals and probation conditions** to support skill building, positive youth development, and successful, transition to adulthood

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### Evidence Based Practices for Juveniles with Sexually Abusive Behaviors

Moving toward evidence-based practices for JSAB involves a shift of understanding, beliefs, and culture

To succeed, every part of the juvenile justice system must be part of that shift

#### QUESTIONS?

Contact:  
Joseph Kelroy, Director, JISD  
Holly Sanger-Alarco, LPC, Program Manager



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